



### **PARTIES AND OTHER RELEVANT PERSONS**

3. Plaintiff Equal Employment Opportunity Commission ("Plaintiff" or "Commission") is the agency of the United States of America charged with the administration, interpretation and enforcement of Title I of the ADA and is expressly authorized to bring this action by Section 107(a) of the ADA, 42 U.S.C. §12117(a), which incorporates by reference Sections 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant Beverage Solutions, Inc. ("Defendant" or "Beverage Solutions") has continuously been and is now a corporation doing business in the Northern District of Illinois, Eastern Division, and has continuously had and does now have at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been and is now an employer engaged in an industry affecting commerce within the meaning of Section 101(5) of the ADA, 42 U.S.C. § 12111(5), which incorporates by reference Sections 701(g) and (h) of Title VII, 42 U.S.C. §§ 2000e(g) and (h).

6. At all relevant times, Defendant has been a covered entity under Section 101(2) of the ADA, 42 U.S.C. §12111(2).

7. At all relevant times, Stokes was a qualified individual with a disability within the meaning of Section 101(8) of the ADA, 42 U.S.C. §12111(8).

### **STATEMENT OF CLAIMS**

8. More than thirty (30) days prior to the institution of this lawsuit, Stokes filed a charge of discrimination with the Commission alleging a violation of Title I of the ADA by Beverage Solutions. All conditions precedent to the institution of this lawsuit have been fulfilled.

9. Since at least September 2006, Beverage Solutions has engaged in unlawful employment practices at its Lake Forest, Illinois location, in violation of Title I of the ADA, 42 U.S.C. §12112(a) and (b). These practices include, but are not limited to:

- (a) failing to reasonably accommodate Stokes' disability, blocked arteries;
- (b) failing to reasonably accommodate a class of qualified individuals with disabilities; and
- (b) discharging Stokes and a class of qualified individuals with disabilities because of their disabilities.

10. The effect of the practices complained of above has been to deprive Stokes and a class of disabled employees of equal employment opportunities and otherwise adversely affect their status as employees because of their disabilities, in violation of Title I of the ADA, 42 U.S.C. § 12112.

11. The unlawful employment practices complained of above in Paragraph 9 were intentional.

12. The unlawful employment practices complained of above in Paragraph 9 were done with malice and/or reckless indifference to the federally protected rights of Stokes and a class of disabled employees.

#### **PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in any employment practice that violates Title I of the ADA;

B. Order Defendant to institute and carry out policies, practices, and programs which

provide equal employment opportunities for qualified individuals with disabilities, and which eradicate the effects of its past and present unlawful employment practices;

C. Order Defendant to make Stokes and a class of disabled employees whole by providing appropriate back pay with prejudgment interest, in amounts to be proved at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;

D. Order Defendant to make Stokes and a class of disabled employees whole by providing compensation for past and future pecuniary losses for the unlawful employment practices described in paragraph 9, above;

E. Order Defendant to make Stokes and a class of disabled employees whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 9, above, including but not limited to, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and humiliation;

F. Order Defendant to pay Stokes and a class of disabled employees punitive damages for its intentional, malicious and/or reckless conduct, in an amount to be determined at trial;

G. Grant such further relief as the Court deems necessary and proper; and

H. Grant the Commission its costs in this action.

#### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all issues of fact raised by its Complaint.

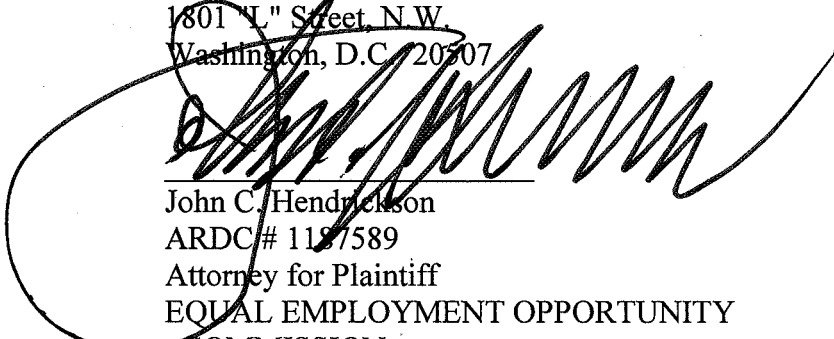
Respectfully submitted,

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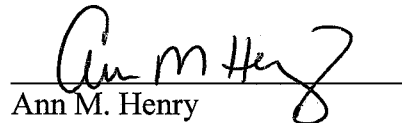
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